

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHRISTOPHER STOUT,

Plaintiff,

-v-

6:15-CV-0160
(DNH/DJS)

COMMISSIONER OF SOCIAL SECURITY,

Defendants.

APPEARANCES:

OF COUNSEL:

CHRISTOPHER STOUT
Plaintiff, pro se, #447011
CNY Psychiatric Center
Ward 404
P.O. Box 300
Marcy, New York 13404

Social Security Administration
Attorney for Defendant
Office of Regional General Counsel
Region II
26 Federal Plaza - Room 3904
New York, NY 10278

FERGUS J. KAISER, ESQ.
Special Asst. U.S. Attorney

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff Christopher Stout filed this action seeking payment in the amount of \$2,050.00 from the Social Security Administration for underpayment of monies that allegedly pre-dated his incarceration. By Report-Recommendation dated April 19, 2016, the Honorable Daniel J. Stewart, United States Magistrate Judge, recommended that defendant's motion to dismiss be

granted and that plaintiff's complaint be dismissed. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is ORDERED that:

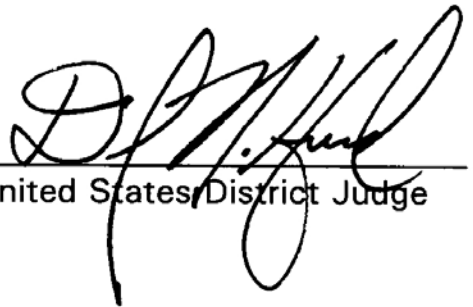
(1) Defendant's motion to dismiss (ECF No. 29) is **GRANTED**;

(2) Plaintiff's complaint is **DISMISSED** for lack of subject matter jurisdiction in accordance with Federal Rule of Civil Procedure 12(b)(1); and

(3) The Clerk serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules.

The Clerk of the Court shall enter judgment and close the case.

IT IS SO ORDERED.



United States District Judge

Dated: July 12, 2016
Utica, New York